IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.MC.No. 1545 of 2003()

CC.288/1997 of JUDL.MAGISTRATE OF FIRST CLASS COURT, PAYYANNUR

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PETITIONER: 6TH ACCUSED

SATHYAN, AGED 38 YEARS,
S/O. LAKSHMANAN M.K., KELOTH, PAYYANNUR

BY ADV. SRI.V.N.RAMESAN NAMBISAN
SRI.M.V.AMARESAN

RESPONDENTS: COMPLAINANT

STATE- REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.8932/2003 IN CRL.M.C.NO.1545/2003

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

25/10/2007

ORDER ON CRL.M.P.NO.9164/2003 IN CRL.M.C.NO.1545/2003

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

25/10/2007

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K.R.UDAYABHANU, J.

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Crl.M.C.No.1545 of 2003-C

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Dated this the 25th day of October, 2007

O R D E R

The petitioner herein who is the accused in C.C.No.288/1997, the split up case from C.C.No.484/1993 in the file of the Judicial Magistrate of the First Class, Payyannur, has sought for getting quashed the proceedings pending against him on the allegation that he is not at all involved in the incident allegedly charged under Sections 143, 147, 148 read with Section 149 of the Indian Penal Code and Section 3(2)(e) of the Prevention of Damages to Public Property Act. He has relied on the judgment in C.C.No.484/1993 wherein the occurrence witnesses have stated that they have not seen the incident.

2. I find that as per Annexure-I judgment in C.C.No.484/1993 the occurrence witnesses are PWs.4 and 5 who have testified that they have not seen the incident. They are the only occurrence witnesses as per the final report. In the circumstances, I find that no purpose will be served in further proceeding with the matter. Hence, C.C.No.288/1997 in the file of the Judicial Magistrate of the First Class, Payyannur, is herewith quashed. The Criminal M.C is allowed.

K.R.UDAYABHANU,
Judge

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